

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

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Juan F. Ruiz Jr #249888  
Wisconsin Secure Program Facility  
Post Office Box 9900  
Boscobel, Wisconsin 53805-0901,  
Plaintiff,

Case No. 18-cv-1030-jdp

v.

Gary Boughton, Warden;  
Sandra McArdle, Nurse Practitioner;  
Jolinda Waterman, HSM.  
Defendants,

Civil Rights Complaint, Pursuant to  
42 U.S.C. § 1983  
Jury Trial Demand

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A. Plaintiff Juan F. Ruiz Jr, is a citizen of Wisconsin, and is located at WSPF, 1101 Morrison Drive, P.O. Box 1000, Boscobel, Wisconsin 53805.

1) Defendant, Gary Boughton, is and was at all times relevant to this complaint, the Warden of WSPF, whose primary place of Business is located at: 1101 Morrison Drive, P.O. Box 1000, Boscobel, Wisconsin 53805

1a) As Warden, Boughton, pursuant to § 302.04 Wis. Stat. "...SHALL have charge and custody" of plaintiff Ruiz, and also pursuant to DOC 310.11 Wis. Adm. Code, and 97 of the warden's "job description" is and integral party of the inmate complaint review system (ICRS) as the reviewing authority (RA) and final decision maker at the "institution level" of review within the IRS;

1b) as Warden, defendant Boughton, pursuant to A3 of the warden's job description, and, as contained within the warden's "position summary", defendant Boughton "...is responsible for the operation of the multi- dimensional programs within the directives and administrative rules of the department of corrections and the statutes of the State of Wisconsin," and, "ensures that Division of Department Programs function appropriately in Health Services...in order to meet the needs of the inmate population," therefore, as described within this paragraph, defendant Boughton is an essential part of plaintiff Ruiz's Health Care;

1c) Defendant Boughton is being sued in his individual capacity.

2) Defendant Jolinda Waterman, is and was at all times relevant to this complaint, the Health Services Manager (HSM) of the WSPF, whose primary place of business is located at: 1101 Morrison Drive, P.O. Box 1000, boscobel, Wisconsin 53805

- 2a) As HSM of the WSPF, defendant Waterman is the ultimate/final decision maker when a course of treatment is recommended by one of WSPF's qualified "medial" caregivers, and is the direct supervisor of all nurses employed at the WSPF;
- 2b) Defendant Waterman is being sued in her individual capacity.
- 3) Defendant, Sandra McArdle, is and was at all times relevant to this complaint, a Nurse Practitioner (NP) at the WSPF, whose primary place of business is located at: 1101 Morrison Drive, P.O. Box 1000, Boscobel, Wisconsin 53805;
- 3a) As a NP at the WSPF, defendant McArdle is the "primary" caregiver directly responsible for plaintiff Ruiz's Health Care;
- 3b) Defendant McArdle is being sued in her individual capacity.

#### JURISDICTION

This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 1343.

This Court has further original jurisdiction over this action pursuant to 28 U.S.C. 1332 et seq., as the amount in controversy exceeds the sum or value of \$75,000.00

#### VENUE

This cause of action took place at the WSPF, located in the city of Boscobel, Grant County, State of Wisconsin, within the Western District of Wisconsin. Therefore, venue is proper under 28 U.S.C. § 1391(b).

#### EXHAUSTION OF ADMINISTRATIVE REMEDIES

Plaintiff Ruiz has exhausted all available Administrative Remedies.

#### STATEMENT OF CLAIM

- 1) On April, 23-24, 2018 between the hours of 2:00-2:30am while working on the floors outside of Echo Unit I became ill, (light-headed, dizzy) I immediately informed the Unit Sgt. on Echo Unit, Sgt. Hanke, that I was not feeling good and felt very light headed. He asked one of the other Officers present that night to retrieve a chair so that I could sit for a minute.
- 2) Sgt. Hanke notified the Shift Capt. of my situation who in turn came down to see me; The Capt. also stated that he had a Medical background. He asked a few questions and than informed me that what I had described sounded very much like Low-sugar levels.
- 3) The Capt. did ask if I was a diabetic, to which I answered No, after another 10 minutes or so, I was escorted back to my cell by the Capt. and officer(s) to get some rest. I was sent to HSU a little later that next morning (04/25/2018). They once again inquired about my situation and again I explained to them what had happened.

- 4) I was seen by Nurse Edge, who informed me that it sounded like I might be a diabetic. I informed her that I was not a diabetic and that I personally believed that I was just exhausted and dehydrated from staying up late and not taking any time off from work.
- 5) After having been seen by Nurse Edge, I was sent back to my cell, and giving some Ibuprofen. I was scheduled to see the Nurse Practitioner the following morning. (04/26/2018) Upon my arrival I was seen by a Ms. McArdle (NP), who sat me down and proceeded to inform me that I was now a diabetic and that she wished to treat the symptom (Diabetic) aggressively to help lower the numbers. I asked Ms. McArdle how she knew I was even a diabetic. She pointed to my medical file and replied that it was written on my blood test results.
- 6) She then prescribed all sorts of Diabetic Medications and some instrument for checking ones' blood on a daily basis, which I did for a straight (2) weeks. All of my blood-sugar levels were normal. By this point I was very concerned that I might actually be diabetic, after all I was being told by a qualified Nurse Practitioner that it was so. I was sent back to my cell in a confused state of mind.
- 7) I submitted a DOC-3035 Medical Health Service (blue) form, (2) different times requesting copies of my Blood Test results. In amongst these papers were also Private Medical papers that should not have been there. These papers belong to an inmate Hernandez, Jose #233079 d/o/b 12/24/1963 whose test result did come back positive as being a diabetic. His Hemoglobin A1C level was **H 8.6** which is what the Nurse Practitioner Ms. McArdle was going by to treat me.
- 8) I also submitted an Interview/Information Request on 04/30/2018 to a Ms. Edge, RN. Asking if I was still scheduled to be tested for diabetes, this being because of what the nurse practitioner Ms. McArdle had just told me. The NP, not the actual nurse I had submitted the request to responded back. She stated in the request that; **"your Hg A1C which was elevated at 8.6 was drawn on 03/21/18 normal Hg A1C is L 6.5"**
- 9) Yes, I did have my blood drawn on this date, but it had nothing to do with diabetes, my test was for High Cholesterol. So eventually I did get a blood test done (Collection Date/Time 08/29/2018 0900) to see if I was in fact a diabetic. My A1C test result was **L 4.8 (non diabetic)** which is way below level. Yet they (NP Ms. McArdle) had me check/draw my blood levels for a straight (2) weeks and sent me all of this diabetic medication and equipment that goes with it.
- 10) I had already spoken to our unit manager, in regards to what was happening with my medical situation. I decided to just turn this entire thing over to the ICE Department, who in turn investigated my situation and determined that what I had been claiming all along was true. I was not a diabetic and further more the nurse Practitioner and the HSU department had made an error, in regards to my medical file.
- 11) After further investigation, it turned out that HSU personnel had placed someone else's personal & private medial file(s) in my personal file that actually had been diagnosed with diabetes. The ICE department personnel did come down to speak with me in our unit Managers Office, about the complaint I had submitted. She stated that at this time they were

going to affirm my complaint and a Nurse was on the Unit to collect all of the medication and supplies that the Nurse Practitioner Ms. McArdle had sent down for me to use.

RELIEF REQUESTED

Award Punitive Damages in the following amounts against;

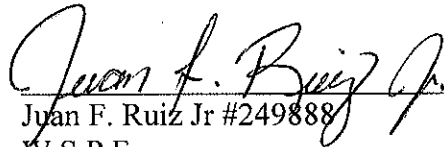
- 1) Defendant Gary Boughton in the amount of \$80,000.00;
- 2) Defendant Jolinda Waterman in the amount of \$130,000.00;
- 3) Defendant Sandra McArdle in the amount of \$300,000.00

: Grant any further relief that this Court deems appropriate.

COMPLAINT VERIFICATION

Pursuant to 28 U.S.C. § 1746, I Declare under the Penalty of Perjury that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted this 11<sup>th</sup> day of December, 2018



Juan F. Ruiz Jr #249888

W.S.P.F.

P.O. Box 1000

Boscobel, Wisconsin 53805